



General Assembly

Substitute Bill No. 75

February Session, 2002

**AN ACT AMENDING THE CHARTER OF THE SOUTH CENTRAL
CONNECTICUT REGIONAL WATER AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1 of special act 77-98, as amended by section 5 of
2 special act 99-12, is amended to read as follows (*Effective from passage*):

3 It is found and declared as a matter of legislative determination that
4 the creation of the South Central Connecticut Regional Water
5 Authority for the primary purpose of providing and assuring the
6 provision of an adequate supply of pure water and the safe disposal of
7 wastewater at reasonable cost within the South Central Connecticut
8 Regional Water District and such other areas as may be served
9 pursuant to cooperative agreements and acquisitions authorized by
10 section 11 of special act 77-98, as amended by section 5 of special act
11 78-24, [and] section 3 of special act 84-46 and this act, and, to the
12 degree consistent with the foregoing, of advancing water conservation
13 and the conservation and compatible recreational use of land held by
14 the authority, and the carrying out of its powers, purposes, and duties
15 under sections 1 to 33, inclusive, of special act 77-98, as amended by
16 special act 78-24, special act 84-46 and sections 5 to 7, inclusive, of [this
17 act] special act 99-12 and this act, are for the benefit of the people
18 residing in the South Central Connecticut Regional Water District and
19 the State of Connecticut, and for the improvement of their health,
20 safety and welfare, that said purposes are public purposes, and that

21 the authority will be performing an essential governmental function in
22 the exercise of its powers under sections 1 to 33, inclusive, of special
23 act 77-98, as amended by special act 78-24, special act 84-46 and
24 sections 5 to 7, inclusive of [this act] special act 99-12 and this act.

25 Sec. 2. Section 11 of special act 77-98, as amended by section 5 of
26 special act 78-24 and section 3 of special act 84-46, is amended to read
27 as follows (*Effective from passage*):

28 Subject to the provisions of sections 1 to 33, inclusive, of special act
29 77-98, as amended by special act 78-24, special act 84-46, sections 5 to 7,
30 inclusive, of special act 99-12 and this act, the authority shall have the
31 power: (a) To sue and be sued; (b) to have a seal and alter the same at
32 its pleasure; (c) to acquire in the name of the authority by purchase,
33 lease or otherwise and to hold and dispose of personal property or any
34 interest therein, including shares of stock of a subsidiary corporation;
35 (d) to acquire in the name of the authority by purchase, lease or
36 otherwise and to hold and dispose of any real property or interest
37 therein, including water rights and rights of way and water discharge
38 rights, which the authority determines to be necessary or convenient,
39 and to acquire any existing wastewater system or water supply system
40 or parts thereof which are wholly or partially within the district as
41 described under section [1 of] 3 of special act 78-24, as amended by
42 section 2 of special act 78-24 and section 1 of special act 84-46. As a
43 means of so acquiring, the authority or a subsidiary corporation may
44 purchase all of the stock or all or any part of the assets and franchises
45 of any existing privately owned water or wastewater company,
46 whereupon the authority or such subsidiary corporation shall succeed
47 to all rights, powers and franchises thereof. Sections 16-43, 16-50c and
48 16-50d of the general statutes shall not apply to any action by the
49 authority or a subsidiary corporation or any action by any privately
50 owned water company or sewage company, as defined in section 16-1
51 of the general statutes, taken to effectuate the acquisition of the stock
52 or all or any part of the assets and franchises of such water company or
53 sewage company by the authority, provided section 16-43 shall apply
54 to any action taken to effectuate the acquisition of the stock or all or

55 any part of the assets and franchises of the Ansonia Derby Water
56 Company by the authority. Notwithstanding any provision of section
57 25-32 of the general statutes, land may be transferred to the authority
58 or a subsidiary corporation of the authority as part of such an
59 acquisition. The commissioner of health services shall not grant a
60 permit for a change in the use of any class I or class II land owned by
61 the Ansonia Derby Water Company on the effective date of this section
62 and not transferred to the authority or a subsidiary corporation or a
63 permit for the sale, lease or assignment of any such class II land, unless
64 (1) all provisions of section 25-32 are complied with, and (2) the
65 commissioner of health services determines, after holding a hearing,
66 notice of which shall be published not later than thirty days before the
67 hearing in one or more newspapers having a substantial circulation in
68 the municipalities in which the land is located, that such change in the
69 use or sale, lease, or assignment of the land will not have a significant
70 adverse impact upon present and future water supply needs of the
71 authority or a subsidiary corporation of the authority; (e) to construct
72 and develop any water supply system or any wastewater system; (f) to
73 own, operate, maintain, repair, improve, construct, reconstruct,
74 replace, enlarge and extend any of its properties; (g) any provision in
75 any general statute, special act or charter to the contrary
76 notwithstanding, but subject to the provisions of section 12 of special
77 act 77-98 and section 28 of special act 77-98, as amended by section 9 of
78 special act 78-24, to sell water, however acquired, to customers within
79 the district or to any municipality or water company; (h) any
80 provisions in any general statute, special act or charter to the contrary
81 notwithstanding, to purchase water approved by the commissioner of
82 health from any person, private corporation or municipality when
83 necessary or convenient for the operation of any water supply system
84 operated by the authority; (i) to adopt and amend bylaws, rules and
85 regulations for the management and regulation of its affairs and for the
86 use and protection of the water and properties of the authority or a
87 subsidiary corporation and, subject to the provisions of any resolution
88 authorizing the issuance of bonds, rules for the sale of water, the
89 collection and processing of wastewater and the collection of rents and

90 charges [therefore] for both water supply and wastewater functions. A
91 copy of such bylaws, rules and regulations and all amendments
92 thereto, certified by the secretary of the authority, shall be filed in the
93 office of the secretary of the state and with the clerk of each town and
94 city within the district. Any superior court located within the district
95 shall have jurisdiction over any violation of such bylaws, rules or
96 regulations and the authority may prosecute actions before the
97 superior court to enforce such bylaws, rules and regulations; (j) to
98 make contracts and to execute all necessary or convenient instruments,
99 including evidences of indebtedness, negotiable or non-negotiable; (k)
100 to borrow money, to issue negotiable bonds or notes, to fund and
101 refund the same and to provide for the rights of the holders of the
102 authority's obligations; (l) to open the grounds in any public street or
103 way or public grounds for the purpose of laying, installing,
104 maintaining or replacing pipes and conduits, provided upon the
105 completion of such work the grounds shall be restored to the condition
106 they were in previously; (m) to enter into cooperative agreements with
107 other water authorities, municipalities, water districts, [or] water
108 companies or water pollution control authorities within or without the
109 district for interconnection of facilities, for exchange or interchange of
110 services and commodities or for any other lawful purpose necessary or
111 desirable to effect the purposes of sections 1 to 33, inclusive, of special
112 act 77-98, as amended by special act 78-24, special act 84-46, sections 5
113 to 7, inclusive, of special act 99-12 and this act, such agreements to be
114 binding for a period specified therein; (n) to acquire, hold, develop and
115 maintain land and other real estate and waters for conservation and for
116 compatible active and passive recreational purposes and to levy
117 charges for such uses, provided the state department of health finds
118 that such uses will not harm the quality of water provided by the
119 authority; (o) to apply for and accept grants, loans or contributions
120 from the United States, the state of Connecticut or any agency,
121 instrumentality or subdivision of either of them or from any person,
122 and to expend the proceeds for any of its purposes; (p) to create
123 programs and policies for the purpose of conserving water; (q) to do
124 any and all things necessary or convenient to carry out the powers

125 expressly given in sections 1 to 33, inclusive, of special act 77-98, as
126 amended by special act 78-24, special act 84-46, sections 5 to 7,
127 inclusive, of special act 99-12 and this act, including the powers
128 granted by the general statutes to stock corporations, except the power
129 to issue stock, and the powers granted by the general statutes to water
130 pollution control authorities.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

PD *Joint Favorable Subst.*

ENV *Joint Favorable*